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**Cc:** Dean, Gina[Gina.Dean@apks.com]; Matthews, Keith[KMatthews@wileyrein.com]  
**From:** Lynn L. Bergeson  
**Sent:** Fri 2/3/2017 10:03:38 PM  
**Subject:** RE: MORE: February 22, 2017 -- Revised Panel Presentations Format -- ABA-ELI Session on TSCA Amendments Progress and Prognosis

Thanks Larry, for all your work and thoughtful reorganization of the program.

**LYNN L. BERGESON**

**MANAGING PARTNER**

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**From:** Culleen, Lawrence E. [mailto:Lawrence.Culleen@apks.com]  
**Sent:** Friday, February 03, 2017 3:48 PM  
**To:** Lynn L. Bergeson; Michael Walls (Mike\_Walls@americanchemistry.com); Jim (James) Jones (jjones4411@gmail.com); Schmit, Ryan; Martha Marrapese - Wiley Rein LLP (mmarrapese@wileyrein.com); Irene Hantman; Richard Denison; Robert Sussman; Ernie Rosenberg; Wendy Cleland-Hamnet  
**Cc:** Dean, Gina; Matthews, Keith  
**Subject:** MORE: February 22, 2017 -- Revised Panel Presentations Format -- ABA-ELI Session on TSCA Amendments Progress and Prognosis

All –

Thank you for conferring with me recently regarding the upcoming (February 22) joint ABA-ELI event which is described in the attached flyer. The feedback provided during our initial call and follow-up discussions was especially helpful. Gina Dean (who works with me at A&PKS) has circulated a Doodle Poll to determine your availability next week for a planning call inclusive of the individuals who have agreed to speak and/or participate as a Panelist.

I look forward to continuing to work with each of you to make the event as interesting and successful as possible. To that end, I expect that our next call will allow us to discuss the program format with which I have been tinkering to ensure interaction, and the opportunity for a variety of topics to be covered and viewpoints expressed in a collegial setting.

During our call next week, we will discuss the revised proposed format described below, and hopefully we can reach a final determination on the program structure and general time allocations. After considerable discussion and deliberation, I believe the program format/structure that will allow us to cover the most ground substantively, permit the greatest level of participation from each of you who have kindly agreed to be Panelists, and provide the optimal time for questions from those in the room (and on line) is to:

1. Invite Wendy Cleland-Hamnett to speak to the assembled participants at the outset, after a short introduction -- prior to which I will review the agenda and make any basic "housekeeping" announcements. (I will confer with Wendy off line to arrive at an agreeable allotment of time.) If possible, it would be helpful if Wendy would offer a recap of the many achievements accomplished in the months since the amendments were enacted, and provide information on what TSCA-related activities and actions are yet to come from the Agency in the near and longer term. We would benefit from anything she can and is comfortable sharing at this time, with a group of this nature.

2. Convene Panel One. At present, I envision Panel One will be comprised of one of our trade association leaders, a participant who works on behalf of an environmental advocacy/public interest group, a TSCA "practitioner", and I am hopeful Wendy might agree to stay and sit on Panel One. The Panel session would involve discussion of the Agency actions thus far, and Panel members will be asked to identify important policy and legal issues that have arisen thus far, and those that are likely to arise in the coming months (especially as the June 2017 deadlines near). Panelists will be asked to come prepared to offer observations about a specific feature of the implementation efforts they would most like to address and to be prepared to offer observations. We can discuss how to ensure coverage of the major areas ripe for discussion. I am likely to ask one of our ABA committee members to moderate Panel One with the "charge" being to ensure and encourage both a dialogue and constructive discourse. (We should decide on our next call whether, in the interest of time, to ask audience participants to hold questions until after the Second Panel has concluded.)

3. Invite Jim Jones to offer remarks after a short introduction. (I will confer with Jim to arrive at an agreeable allotment of time for his remarks.) If agreeable to Jim, I imagine we all would like Jim to offer his personal insights and reflections on what were some of the most challenging and interesting aspects of trying to shape, interpret and rapidly implement the TSCA amendments. Perhaps, since leaving the Agency, Jim might be willing to add more nuance to his remarks than he might otherwise have been able. I also am hopeful Jim will also agree to sit on Panel Two, described below.

4. Convene Panel Two. Presently, I envision the Second Panel will be comprised of a different trade association representative than the individual joining Panel One, a differing participant from an environmental advocacy/public interest group, and a TSCA practitioner other than the private bar lawyer sitting on Panel One. Again, hopefully Jim will agree to stay and sit on Panel Two. The Panel Two session would involve discussion and consideration of the implications that the recent presidential election and change in political leadership at EPA might have on implementing the TSCA amendments and the most pressing of deadlines. I will ask Panel Two participants to come to the discussion with specific examples of potentially affected processes and regulatory activities about which they will be prepared to offer remarks. Panel Two also might examine the broader implications that various new pieces of legislation and executive orders that are aimed at “reducing regulation” generally could have on the success of “TSCA Reform” *writ large* (if you will excuse the hackneyed expression).

5. Open Discussion and Q&A. Finally, we can invite the combined Panels and speakers to come forward together to engage with the audience and on-line participants in a discussion and Q&A session -- fielding questions from the in-person participants and those who have joined on-line.

The foregoing is not etched in stone, but I think it reflects input and suggestions received during calls this week, with an eye toward ensuring balance as well as an interesting and informative event. To that end, I am continuing to try to have someone join us (in person preferably, remotely if necessary, who might speak to the issue of the role of the states in the chemical regulatory “space” both currently, and going forward. Such a person might become a Panelist or a speaker. I will keep you apprised of my progress in this regard.

Please feel free to distribute the attached version of the up-to-date meeting notice. To reiterate, I have been working directly with the ABA to ensure that students, educators,

government participants and members of the public interest communities can participate in the event for no charge by phone and in person for free. Arnold & Porter Kaye Scholer is hosting and will provide light fare free of charge to in-person participants; registration is being handled on-line by the ABA. There is a nominal fee for attorneys in private practice who are not ABA/SEER Section members who elect to participate by phone remotely.

I look forward to speaking again soon.

Larry

202-942-5477.

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